

**NETCHERT, DINEEN & HILLMANN, ESQS.**

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Attorneys for the Defendant, Township of North Bergen

Our File Number -AL-08901

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA *ex rel.* TIFFANY  
VOLPE and KEN MAILLY and BARRY INGLETT

*Plaintiffs,*

vs.

ALLIANCE HAND AND PHYSICAL THERAPY,  
INC.

*Defendant.*

Civil Action No. 08-CV-5481 (DRD)

**ANSWER  
SEPARATE DEFENSES  
JURY DEMAND**

Defendant, ALLIANCE HAND AND PHYSICAL THERAPY, INC. of 24 Booker St.,  
Westwood, New Jersey by way of answer to the Complaint of Plaintiffs, says:

**ALLEGATIONS IN COMPLAINT**

1. Defendant lacks information sufficient to form a belief as to the truth of the allegations made in paragraphs 1, 2, 3, 4, 5, 11, 13, 18, 20, 29 & 33 of the Complaint.
2. Defendant admits the allegations of paragraphs 6, 7, 8, 9, 10, 12, 16, 19 & 25 of the

complaint.

3. Defendant denies the allegations contained in paragraphs 14, 15, 17, 21, 22, 23, 24, 26, 27, 30, 31, 34 & 35.

4. The defendant repeats and restates its answers to the multiple allegations of the complaint as referenced in paragraph 28 & 32 as if stated at length herein.

### **SEPARATE DEFENSES**

1. Defendant herein asserts "Good Faith" as a defense to the action herein.

2. Defendant asserts that it does not conduct any business with the United States of America or any of its federally funded subsidiary insurance companies.

3. This action is barred by the doctrine of prior action pending; a similar action filed in the Bergen County Superior Court on behalf of plaintiff Volpe and bearing Docket No. BER-L-8516-08 makes similar or identical allegations as those contained herein.

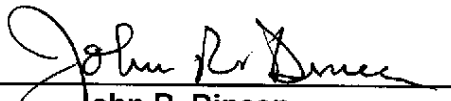
4. Plaintiffs are barred by the doctrine of laches.
5. This action is barred by the Statute of Frauds.
6. This action is barred by the doctrine of Estoppel.
7. The defendant violated no duty to any party herein and was not otherwise negligent.
8. The plaintiff fails to state a cause of action upon which relief may be granted.
9. This action will be barred by the doctrine of judicial estoppel & res judicata

WHEREFORE, Defendant, Alliance Hand and Physical Therapy, Inc. demands judgment against the plaintiffs plus costs of suit.

**JURY DEMAND**

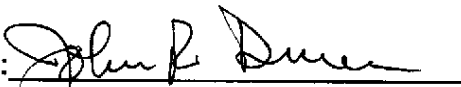
Defendant, Alliance Hand and Physical Therapy, Inc., hereby demands a trial by jury.

**NETCHERT, DINEEN & HILLMANN**

By:   
John R. Dineen

I certify that this pleading was served within the time period allowed under the Rules and I further certify that to my knowledge and based on the information available to me at this time, the matter in controversy is the subject of another action pending in Bergen County Superior Court and involving one of the plaintiffs in this action, Tiffany Volpe and bearing Docket No. BER-L-8516-08 and makes similar or identical allegations as those contained herein.

**NETCHERT, DINEEN & HILLMANN**

By:   
John R. Dineen

DATE: April 14, 2009

**NETCHERT, DINEEN & HILLMANN, ESQS.**

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Please respond to Closter

\* Member of the NJ and NY Bar  
♦ Member of NJ, NY and DC Bar  
‡ Certified Civil Trial Attorney

April 20, 2009

Civil Division, Court Clerk  
United States District Court  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Room 4015  
Newark, NJ 07102

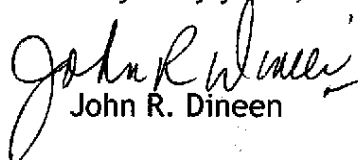
RE: United States of America, et al. V. Alliance Hand & Physical Therapy, Inc.  
Docket No. 08-CV-5481 (DRD)  
Our File No. AL-09801

Dear Sir/Madam:

We had intended to file this Answer through PACER. However, although we were registered for PACER, we were not registered to file on-line. We have submitted the paperwork to be registered to file on-line in the future. However, it will be approximately 2 weeks before we receive authorization. Therefore, in order to avoid filing our Answer late, we are submitting a hard copy of same for filing.

Therefore, enclosed please find an original and 2 copies of our Answer with Jury Demand for filing. Kindly return a "filed" copy to my office in the enclosed self addressed stamped envelope.

Very truly yours,

  
John R. Dineen

JRD/ntm  
Enc.

cc: David S. Barmak, Esq.

**RECEIVED**

APR 22 2009

AT 8:30 \_\_\_\_\_M  
WILLIAM T. WALSH, CLERK